

Rule 2007.1-1

TRUSTEES & EXAMINERS (Ch. 11)

[Abrogated]

Notes of Advisory Committee

1998 Amendment

On December 1, 1997, amendments to the Federal Rules of Bankruptcy Procedure amended Rule 2007.1. These amendments were made necessary by amendments to the Bankruptcy Code included in the Bankruptcy Reform Act of 1994, Pub. L. 103-394. The Court had adopted Local Rule 2007.1-1 in 1995 as an interim matter pending amendment to the Federal Rules of Bankruptcy Procedure. The local rule is now abrogated as duplicative of the national rule.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.04A. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Note²

This rule implements the amendments to § 1104 of the Bankruptcy Code applicable in cases commenced on or after October 22, 1994, regarding the election of a trustee in a Chapter 11 case. The requirement that creditors receive at least 20-days' notice of the meeting may be reduced to a shorter period under Bankruptcy Rule 9006 (c)(1).

The procedures for reporting disputes to the court and the time limit for filing a motion to resolve any disputes derive from Bankruptcy Rule 2003(d). Because the person elected must be "disinterested," the United States trustee must file an application for court approval of the elected person in accordance with Bankruptcy Rule 2007.1(b).

²This is Suggested Interim Bankruptcy Rule 1 drafted by the Advisory Committee on Bankruptcy Rules of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. The committee has recommended the adoption of this interim rule as a local rule pending revision of the Federal Rules of Bankruptcy Procedure to conform to, and implement, the Bankruptcy Reform Act of 1994, Pub. L. No. 103-394. The Court adopted this rule effective February 15, 1995. The text of the note was drafted by the committee.